



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].No.264 of 2017
and
C.M.P.[MD].No.2717 of 2017

- 1.The Government of Tamil Nadu,
Represented by its Secretary
Forest and Environment Department,
Secretariat, Chennai-600 009.
- 2.The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai-600 015.
- 3.The Forestry Extension Officer,
Forestry Extension Division,
Virudhunagar at Srivilliputtur,
Virudhunagar District. : Appellants/Respondents 1 to 3

Vs.

- 1.S.Vellaiyammal :1st Respondent/Petitioner
- 2.The Accountant General of Tamil Nadu,
Office at D.M.S.Compound,
Teynampet,
Chennai-600 018. :2nd Respondent/4th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 07.01.2016 made in W.P.(MD).No.286 of 2016, on the file of this Court.

Prayer in WP(MD)No.286/2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioners husband from 01.11.1981 to 06.08.2009 on daily wage basis as Plot Watcher along with his regular service as Forest Watcher from 07.08.2009 till 30.04.2014, the date prior to this death on 01.05.2014, so as to enable the petitioner to get family pension and consequently direct the respondents 1 to 3 to send revised pensionary proposal to the 4th respondent, direct the



4th respondent to pay family pension to the petitioner with all consequential benefits within a specified period.

WEB COPY

For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent No.1 : Mr.V.Panneer Selvam
For Respondent No.2 : Mr.P.Gunasekaran

JUDGMENT

[Judgment of the Court was made T.S.SIVAGNANAM, J.]

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader for the respondents, Mr.V.Panneer Selvam, learned counsel appearing for the first respondent and Mr.P.Gunasekaran, learned counsel appearing for the second respondent.

2. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

3. This Writ Appeal is directed against the order dated 07.11.2016 made in W.P.(MD).No.286 of 2016.

4. The respondent herein filed the said Writ Petition seeking for a direction to the appellants herein to count the service rendered by her late husband - A.Sekhar from 01.11.1981 to 06.09.2008 on daily wage basis as Plot Watcher along with his regular service as Forest Watcher from 07.08.2009 till 30.04.2014, the date prior to his demise so as to enable the respondent to get family pension.

5.The learned single Judge, after taking into consideration the decision of the Hon'ble Division Bench of this Court, in the case of Government of Tamil Nadu, represented by the Secretary to Government Vs. MK. Gopal, [W.A.Nos.27 and 28 of 2012, dated 13.02.2012] which was confirmed by the Hon'ble Apex Court in S.L.P.Nos.14838-14839 of 2012, allowed the Writ Petition. The learned counsel for the respondent submitted that the Government, vide G.O.(3D), Environment and Forest Department, dated 29.08.2016, has implemented the order passed in the Writ Petition. On a perusal of the Government order, it is seen that the name of the first respondent finds in serial No.30 of the annexure to the Government order, fixing permissible pension at Rs.3,050/-.

[https://hcservices.courts.gov.in/hcservices/](https://hcservices.courts.gov.in/hcservices) In the light of the fact that the order of the learned Single Judge has already been implemented, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous



Petition is closed.

/True Copy/

Sd/-
Assistant Registrar (AS)

Sub-Assistant Registrar

WEB COPY

To

- 1.The Secretary to Government,
Forest and Environment Department,
Secretariat, Chennai-600 009.
- 2.The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai-600 015.
- 3.The Forestry Extension Officer,
Forestry Extension Division,
Virudhunagar at Srivilliputtur,
Virudhunagar District.
- 4.The Accountant General of Tamil Nadu,
Office at D.M.S.Compound,
Teynampet,
Chennai-600 018.

+One cc to Mr.V.Pannerselvam, Advocate, SR.No.16671
+1CC to Mr.P.Gunasekaran, Advocate, SR.No. 17013

NB

RL/7C/3P/MR/28.3.2017

JUDGMENT MADE IN
W.A.[MD].No.264 of 2017
and
C.M.P.[MD].No.2717 of 2017
21.03.2017